

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION**

In re Ethicon, Inc. Pelvic Repair System  
Products Liability Litigation

MDL Docket No. 2327

THIS DOCUMENT RELATES TO ALL CASES

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**APPLICATION OF JOSEPH J. ZONIES, ESQ.  
FOR APPOINTMENT TO THE PLAINTIFFS' STEERING COMMITTEE**

Pursuant to Case Management Order No. 1, Joseph Zonies respectfully submits his Application for Appointment to the Plaintiffs' Steering Committee. Mr. Zonies has reviewed the Proposed Counsel Structure Plan filed with the Court for MDLs 2325, 2326 and 2327 on March 19, 2012 and he joins in the recommendation to the Court that the plan outlined therein be adopted.

**PROFESSIONAL EXPERIENCE**

Joseph Zonies is a partner with the 30-lawyer trial firm of Reilly Pozner, LLP located in Denver, Colorado. Mr. Zonies earned his BA from the University of Notre Dame. He then attended the University of Denver College of Law where he graduated first in his law school class. During this time, he earned the highest grade in eleven courses ranging from Torts and Securities Regulation to Tax and Water Law. After law school, Mr. Zonies clerked for the Honorable John C. Porfilio in the United States Court of Appeals for the Tenth Circuit.

Mr. Zonies began his private practice career in the litigation department of a large Denver law firm where he defended complex commercial litigation cases and class actions. From this experience, Mr. Zonies gained an understanding of the challenges faced by defendants in large, complex litigation which has equipped him to work effectively and efficiently with defense counsel. Mr. Zonies then formed a law firm where his practice shifted to the plaintiffs' side of the bar. Since that time, Mr. Zonies has represented thousands of plaintiffs in complex litigation, employment and consumer class actions, personal injury and pharmaceutical products liability cases.

Mr. Zonies has represented or currently represents individuals in, among others, the following pharmaceutical mass tort litigations: *Baycol*, *Vioxx*, *Ephedra*, *Zyprexa*, *Diet Drugs*, *Avandia*, *Trans Vaginal Mesh* and *Zoloft*. Most recently, Mr. Zonies was appointed to the Plaintiffs' Steering Committee in the *Avandia Sales Practices and Products Liability Litigation*, MDL 1871, in the United States District Court for the Eastern District of Pennsylvania, Honorable Judge Cynthia M. Rufe presiding. Mr. Zonies and his firm applied considerable financial and professional resources to the prosecution of the litigation. Mr. Zonies acted as Chair of the Law and Briefing Committee, Co-Chair of the Science Committee, and as Co-Lead Trial Counsel. In 2010, Mr. Zonies, working with Mr. Cartmell, another applicant for the Executive Committee of this MDL, argued the general causation *Daubert* and *Frye* motions before Judge Rufe and the Honorable Judge Sandra Mazer Moss from the Philadelphia Court of Common Pleas. The hearing included one day of oral argument and one day of presenting Plaintiffs' expert witnesses for testimony. Ultimately, Judge Rufe permitted the experts to testify. In 2011, Mr. Zonies with co-lead trial counsel, Mr. Cartmell, prepared the bellwether cases for trial. The trial cases, with thousands of other claimants' cases, settled the week of jury selection.

Mr. Zonies also has been a frequent lecturer on topics related to mass torts and complex actions. He has spoken on topics ranging from science and causation issues to admissibility of foreign regulatory materials in the mass tort context. In addition to his work in pharmaceutical mass tort litigation, Mr. Zonies has been lead attorney and appointed as lead class counsel in a number of complex class actions. He has acted as coordinating class counsel in a number of these cases.

Mr. Zonies has been selected for inclusion in The Best Lawyers in America for Personal Injury Litigation, a Colorado *SuperLawyer* in personal injury, mass torts and class actions, and as a *SuperLawyer* Top 100 lawyer in Colorado. Mr. Zonies' firm, Reilly Pozner LLP, is recognized as one of the leading litigation law firms in Colorado with a national practice. Reilly Pozner

LLP's representative clients include: The Denver Broncos, Lehman Brothers Holding, AIG and the University of Colorado.

#### **ABILITY TO WORK COOPERATIVELY WITH OTHERS**

Mr. Zonies has and will continue to work cooperatively with all counsel involved in this litigation. In the past several years he has worked closely and cooperatively with the majority of the attorneys involved in this litigation. Mr. Zonies and his team members have attended and participated in meetings regarding this litigation with other plaintiffs' counsel in Florida, New Orleans and Philadelphia.

#### **WILLINGNESS AND AVAILABILITY**

Mr. Zonies has represented women who suffered serious injuries caused by pelvic mesh since early 2011. He has case(s) on file in each of the MDLs currently pending before the Hon. Joseph R. Goodwin and intends to file more directly in to the MDL with the Court's permission. Mr. Zonies is willing to commit the resources, financial and intellectual, to the prosecution of these cases. As the Avandia litigation is winding down, Mr. Zonies has sufficient time available to commit to this litigation.

Mr. Zonies' experience in complex class actions and pharmaceutical mass tort cases makes him ideally suited to handle the substantive, coordinating and administrative issues necessitated by a position on a Plaintiffs' Steering Committee and he respectfully requests an appointment to the Committee.

Respectfully submitted this 29th day of March, 2012.

/s/ Joseph J. Zonies  
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CERTIFICATE OF SERVICE

I hereby certify that on March 29, 2012, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the list of participants registered to receive service in this MDL.

/s/ Joseph J. Zonies